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PATENT
Docket No. 2456-2-13-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Phillip M. Adams)
)
Serial No.:	10/727,798)
) Art Unit:
Filed:	December 4, 2003) 3629
)
For:	STUDENT-CENTERED, CROSS-INSTITUTIONAL)
	CURRICULUM MANAGEMENT SYSTEM)
	APPARATUS AND METHOD)
)
Examiner:	Gabrielle A. McCormick)

RESPONSE TO OFFICE ACTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA, 22313-1450

Dear Sir:

Responsive to the Office Action mailed September 16, 2009, please reconsider the above-identified patent application in view of the following amendments and remarks.

IN THE CLAIMS:

Please amend the claims as follows:

1. (currently amended) A method for creating and managing, by a student, an individually customized curriculum of study across a plurality of educational offerings, the method comprising:

offering, by a first educational institution, a first plurality of courses and a plurality of degrees, each degree thereof having corresponding requirements established by the first educational institution as conditions precedent for awarding the degree;

identifying a second educational institution offering a second plurality of courses ~~and lacking a direct and express agreement obligating the first educational institution to recognize credit for the second plurality of courses;~~

storing in a computer system a database comprising records reflecting equivalencies between the first and second plurality of courses;

presenting, by the computer system over a computer network, the plurality of degrees to a student;

selecting, by the student over the computer network, a first degree from among the plurality of degrees;

selecting, by the computer system, first courses from the first plurality of courses and second courses from the second plurality of courses;

organizing, by the computer system, the first degree into a dependency graph establishing a hierarchy of requirements corresponding to the first degree;

populating, by the computer system, the dependency graph with the first courses and the second courses, the first courses and second courses collectively satisfying the requirements corresponding to the first degree; and

presenting to the student, by the computer system over the computer network, the dependency graph to the student.

2. (currently amended) The method of claim 1, further comprising mining, over the network, by the computer system, first catalog information in the ~~a~~ first course catalog corresponding to the first educational institution to identify the first plurality of courses, and identifying the second plurality of courses by mining second catalog information contained in a second course catalog corresponding to the second educational institution;

3. (canceled)

4. (previously presented) The method of claim 2, further comprising coding analogous information in the first and second catalog information with standardized codes to enable comparison of the analogous information.

5. (previously presented) The method of claim 4, wherein coding further comprises coding the analogous information in the first and second catalog information with XML tags, and providing the analogous information in the form of XML pages available on the network.

6. (original) The method of claim 4, wherein coding further comprises embedding XML tags into the source code of HTML pages containing the first and second catalog information.

7. (previously presented) The method of claim 4, wherein coding further comprises creating, by a third party independent of the first and second educational institutions, XML pages identifying information in the first and second catalog information with XML tags.

8. (previously presented) The method of claim 4, wherein mining further comprises mining, over the network, information in the first and second catalog information by searching the standardized codes.

9. (currently amended) The method of claim [[3]] L, further comprising determining, by the computer system, the equivalencies between the first and second plurality of courses.

10. (previously presented) The method of claim 1, further comprising selecting, by the student, preferences with respect to the first and second courses used to populate the dependency graph.

11. (original) The method of claim 10, wherein preferences are selected from the group consisting of preferred times, preferred days, cost, credit hour load, desired time to graduate, and preferred location to take courses.

12. (previously presented) The method of claim 10, further comprising gathering, by the computer system, scheduling information with respect to the first and second courses used to populate the dependency graph.

13. (previously presented) The method of claim 12, further comprising creating, for the student by the computer system, a class schedule in accordance with the preferences and the scheduling information.

14-16. (canceled)

17. (previously presented) The method of claim 1, further comprising importing, by the computer system, existing credits of the student into the dependency graph prior to populating the dependency graph.

18. (previously presented) The method of claim 1, wherein the computer network is the Internet.

19. (previously presented) The method of claim 1, wherein the computer network is a virtual network of logical elements stored on a mass storage device.

20. (currently amended) A method for creating and managing, by a student, an individually customized curriculum of study across a plurality of educational offerings, the method comprising:

offering, by a first educational institution, a first plurality of courses and a plurality of degrees, each degree thereof having corresponding requirements established by the first educational institution as conditions precedent for awarding the degree;

identifying a second educational institution offering a second plurality of courses and lacking a direct and express agreement obligating the first educational institution to recognize credit for the second plurality of courses;

coding first catalog information corresponding to the first plurality of courses and second catalog information corresponding to the second plurality of courses with XML tags to create XML pages;

providing the XML pages on a computer network;

mining, by a computer system, the XML pages to create a record of courses selected from the first and second plurality of courses;

storing in the computer system a database comprising records reflecting equivalencies between the first and second plurality of courses;

presenting, by the computer system over the computer network, the plurality of degrees to a student;

selecting, by the student over the computer network, a first degree from among the plurality of degrees;

populating, by the computer system, the dependency graph with selected courses from the record of courses, the selected courses collectively satisfying the requirements corresponding to the first degree; and

presenting to the student, by the computer system over the computer network, the dependency graph to the student.

21-22. (canceled)

REMARKS

The Office Action mailed September 16, 2009 has been received and reviewed. Claims 1, 2, 4-13, and 17-22 are in the case. Claim 9 stands objected to as being dependent on a canceled claim. Claims 1, 2, 4-13, and 17-22 stand rejected under 35 U.S.C. § 112, first paragraph. Claim 2 stands rejected under 35 U.S.C. § 112, second paragraph. Claims 1, 2, 4-13, and 17-22 stand rejected under 35 U.S.C. § 103(a).

Applicant's few amendments above put the case in better condition for appeal by addressing formalities objected to by the Office action. It is therefore proper to enter them in the case for at least that reason. Accordingly, by this paper, claims 1, 2, 9, and 20 have been amended and claims 21 and 22 have been canceled. For the reasons set forth below, claims 1, 2, 4-13, and 17-20 are believed to be in condition for immediate allowance. Favorable reconsideration of the application in view of the following remarks is, therefore, respectfully requested.

Objection to Claim 9

Claim 9 stands objected to for being dependent on a canceled claim. By this paper, claim 9 has been amended to correct this informality. Reconsideration is, therefore, respectfully requested.

Rejection of Claims 1, 2, 4-13, and 17-22 Under 35 U.S.C. 112, First Paragraph

Claims 1, 2, 4-13, and 17-22 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office action asserts that the claims contain a limitation that was not described in the specification in such a way as to

reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claims invention. Accordingly, by this paper, claims 1 and 20 have been amended to remove the limitation forming the basis of this rejection. Reconsideration is, therefore, respectfully requested.

Rejection of Claim 2 Under 35 U.S.C. 112, Second Paragraph

Claim 2 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Office action asserts that antecedency is lacking. Accordingly, by this paper, claim 2 has been amended to provide proper antecedency. Reconsideration is, therefore, respectfully requested.

Rejection of Claims 1, 2, 9-13, and 17-19 Under 35 U.S.C. §103(a)

Claims 1, 2, 9-13, and 17-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hall in view of Curriculum Sequencing, Fields, and Oni. However, to establish a *prima facie* case of obviousness, the Office action must find all the elements of each claim rejected and then provide clear articulation of the reason(s) why the claimed invention would have been obvious. *See* MPEP 2143. In this case, the Office action does not do this.

Specifically, the Office action improperly ignores a limitation recited in Applicant's claims. Applicant requires "populating" a dependency graph with first and second courses provided by first and second educational institutions, respectively, which courses collectively satisfy the requirements of a degree offered by the first educational institution.

While Applicant finds statements in the Office action addressing a separate claim element that mentions the dependency graph (namely “organizing” a degree into a dependency graph establishing a hierarchy of requirements corresponding thereto), Applicant finds the Office action silent on “populating” the dependency graph in the recited manner required by Applicant’s claim. Accordingly, Applicant asserts that the Office action is improper and the rejection should be withdrawn. Reconsideration is, therefore, respectfully requested.

Rejection of Claims 4 and 8 Under 35 U.S.C. §103(a)

Claims 4 and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hall in view of Curriculum Sequencing, Fields, Oni, and Tam. However, to establish a *prima facie* case of obviousness, the Office action must find all the elements of each claim rejected and then provide clear articulation of the reason(s) why the claimed invention would have been obvious. See MPEP 2143. In this case, the Office action does not do this.

Specifically, the Office action does not find all of the elements recited in the rejected claims. Applicant requires “coding analogous information in the first and second catalog information with standardized codes.” In reviewing the citations provided by the Office on this issue, Applicant has not found any disclosure, teaching, or suggestion of inserting standardized codes in information contained in any course catalog promulgated by an educational institution.

To Applicant’s knowledge, after diligent searching, Applicant finds neither Hall, Curriculum Sequencing, Fields, nor Oni making any mention of standardized codes. Furthermore, while Tam mentions that UPCs can be used on goods like LEE jeans, Tam does not disclose, teach, or suggest inserting standardized codes in information contained in any course catalog.

Moreover, the Office action does not provide the required clear articulation of the reason(s) why the claimed invention would have been obvious. There is a significant logical gap between using UPCs on LEE jeans, as disclosed by Tam, and inserting standardized codes in information contained in any course catalog promulgated by an educational institution, as claimed by Applicant. Accordingly, it is improper for the Office action to rely on a mere conclusory statement asserting that by “expanding Fields to include a standardized code, the evaluation is simplified.”

As stated, by Fields, “transferring from one university or college to another has always presented challenges.” *See* Fields at ¶ 0003. Inherent differences between courses from different educational institutions make determining equivalency between two courses “difficult.” *See* Fields at ¶ 0003. Even when they are substitutable, such courses are still different. For this reason, Fields discloses a system that “renders an automatic transfer decision based on a successful hit ratio between keywords and a programmatically retrieved course description associated with a submitted course.” *See* Fields at Abstract.

It is a significant over simplification to assert that Fields’ problems with determining equivalency between two courses can be solved by applying the UPC of Tam. Applying the same UPC to two such different courses would be like applying the same UPC to a pair of LEVI’S jeans and a pair of LEE jeans for the reason that LEVI’S jeans can substitute for LEE jeans.

To do so would not only be a disservice, but also a misrepresentation of the truth. Accordingly, in rejecting claims 4 and 8, Applicant asserts that the Office action has improperly relied on a mere conclusory statement that lacks the required underlying analysis, summarily

dismisses glaring contradictions without any analysis, and does not stand up under proper scrutiny.

In view of the foregoing, Applicant asserts that the rejection of claims 4 and 8 is improper should be withdrawn. Reconsideration is, therefore, respectfully requested.

Rejection of Claims 5-7 Under 35 U.S.C. §103(a)

Claims 5-7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hall in view of Curriculum Sequencing, Fields, Oni, Tam, and Danner. However, to establish a *prima facie* case of obviousness, the Office action must find all the elements of each claim rejected and then provide clear articulation of the reason(s) why the claimed invention would have been obvious. *See* MPEP 2143. In this case, the Office action does not do this.

Specifically, the Office action does not find all of the elements recited in the rejected claims. Applicant requires coding analogous information in the first and second catalog information with standardized XML tags. In reviewing the citations provided by the Office on this issue, Applicant has not found any disclosure, teaching, or suggestion of inserting standardized XML tags in information contained in any course catalog promulgated by an educational institution.

Moreover, the Office action does not provide the required clear articulation of the reason(s) why the claimed invention would have been obvious. There is a significant logical gap between an acknowledgment of the existence of XML, as provided by Danner, and inserting XML tags in information contained in any course catalog promulgated by an educational institution, as claimed by Applicant. Accordingly, it is improper for the Office action to rely on a

mere conclusory statement asserting that this limitation is obvious “for the motivation of providing formatting instructions and providing the content for display.”

The very nature of XML enables a user tremendous freedom and variability in defining tags. Even when working with the same data, it is highly unlikely that two programmers would ever devise the same XML tags to break-up or define the different portions of that data. For example, one programmer may delineate a title by creating “<title></title>” tags, while the other programmer my delineate the same title by creating “<reference-title></reference-title>” tags. The text between the carats can be, and typically is, selected entirely arbitrarily by a programmer according to whim or personal choice.

It defies logic to assert that even as few as two different programmers operating computers for two different educational institutions would somehow, lacking knowledge of the disclosures and motivations provided by Applicant’s invention, independently code their respective course catalog information with the exact same XML codes. The probability of such a random event occurring is so negligibly small as to be indistinguishable from zero.

Accordingly, in rejecting claims 5-7, Applicant asserts, the Office action has improperly relied on a mere conclusory statement that lacks the required logical analysis and does not stand up to properscrutiny.

In view of the foregoing, Applicant asserts that the rejection of claims 5-7 is improper and should be withdrawn. Reconsideration is, therefore, respectfully requested.

Rejection of Claim 20 Under 35 U.S.C. §103(a)

Claim 20 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hall in view of Curriculum Sequencing, Fields, Oni, and Danner. However, to establish a *prima facie*

case of obviousness, the Office action must find all the elements of each claim rejected and then provide clear articulation of the reason(s) why the claimed invention would have been obvious.

See MPEP 2143. In this case, the Office action does not do this.

Specifically, the Office action does not find all of the elements recited in the rejected claims. Applicant requires coding the first and second catalog information with XML tags. In reviewing the citations provided by the Office on this issue, Applicant has not found any disclosure, teaching, or suggestion of inserting XML tags in information contained in any course catalog.

Moreover, the Office action does not provide the required clear articulation of reasons why the claimed invention would have been obvious. There is a significant logical gap between an acknowledgment of the existence of XML, as provided by Danner, and inserting XML tags in information contained in any course catalog. Accordingly, it is improper for the Office action to rely on a mere conclusory statement asserting that this limitation is obvious “for the motivation of providing formatting instructions and providing the content for display.”

In view of the foregoing, Applicant asserts that the rejection of claim 20 is improper should be withdrawn. Reconsideration is, therefore, respectfully requested.

In the event that the examiner finds any remaining impediment to the prompt allowance of any of these claims, which could be clarified in a telephone conference, the examiner is respectfully urged to initiate the same with the undersigned.

DATED this 16th day of November, 2009.

Respectfully submitted,

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